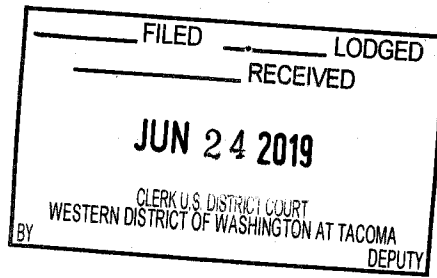


Magistrate Judge



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLGA RIVAS-MEDINA,

Defendant.

NO. CR19-5129

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING TREATMENT
PLAN, AND DIRECTING DEFENDANT TO
TAKE TREATMENT AS PRESCRIBED

THIS MATTER, coming on for hearing this 24th day of June, 2019, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her attorney, Donna Person-Smith; the United States of America being represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Alternative Counseling, and the files and records herein, being fully advised in the premises, does now make and enter the following:

I. FINDINGS OF FACT

A. On or about the 18th day of December, 2018, Petitioner was charged with the offense charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

1 B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

2 C. The probability of similar misconduct in the future is great if the problem is not
3 treated;

4 D. Petitioner is amenable to treatment;

5 E. An effective rehabilitative treatment plan is available to Petitioner through
6 Alternative Counseling, an approved treatment facility as designated by the laws of the State
7 of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

8 F. That Petitioner agrees to comply with the terms and conditions of the program
9 offered by the treatment facility as set forth in the diagnostic evaluation from Alternative
10 Counseling, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to
11 be liable for all costs of this treatment program;

12 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility
13 and sufficiency of the facts as contained in the written police report attached to Statement of
14 Petitioner filed herewith.

15 H. That Petitioner has acknowledged the admissibility of the stipulated facts in
16 any criminal hearing or trial on the underlying offense or offenses held subsequent to
17 revocation of this Order Granting Deferred Prosecution and that these reports will be used to
18 support a finding of guilt;

19 I. That Petitioner has acknowledged and waived the right to testify, the right to a
20 speedy trial, the right to call witness to testify, the right to present evidence in his or her
21 defense, and the right to a jury trial;

22
23 From the foregoing FINDINGS OF FACT, the Court draws the following:

24 **II. CONCLUSIONS OF LAW**

25 A. That the above-entitled Court has jurisdiction over the subject matter and
26 Petitioner OLGA RIVAS-MEDINA, in this case;

27 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of
28 RCW 10.05 et seq.;

1 C. That the diagnostic evaluation and commitment to treatment meets the
2 requirements of RCW 10.05.150;

3 D. That Petitioner is eligible for deferred prosecution.

4 **III. ORDER**

5 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS
6 OF LAW, it is hereby

7 ORDERED that the defendant is accepted for deferred prosecution. The prosecution
8 of the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05
9 et seq., upon the following terms and conditions:

10 A. Petitioner shall be on probation for the deferral period and follow the rules and
11 regulations of probation;

12 B. Petitioner shall enroll in and successfully complete the two-year treatment
13 program recommended by Alternative Counseling, according to the terms and conditions of
14 that plan as outlined in the diagnostic evaluation, a true copy of which is attached to the
15 Petition and incorporated herein by reference. Petitioner shall not change treatment agencies
16 without prior Probation approval;

17 C. The treatment facility, Alternative Counseling, shall file with the United States
18 Probation Office status reports of Petitioner's compliance with treatment, monthly during the
19 first year of the deferred prosecution period and every three (3) months during the second
20 year. The Court may increase the frequency of these reports at its discretion;

21 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

22 E. Petitioner shall abstain during the deferred prosecution period from any and all
23 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

24 F. Petitioner shall not operate a motor vehicle on the public highways without a
25 valid operator's license and proof of liability insurance sufficient to comply with the state
26 laws on financial responsibility;

27 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
28 offenses or other criminal offenses during the period of deferral,

1 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
2 questioned, or cited by Law Enforcement;

3 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
4 condition of her treatment plan or violates any provision of this Order or any rule or
5 regulation of her probation officer, upon receiving notice, the Court shall hold a hearing to
6 determine why Petitioner should not be removed from deferred prosecution and prosecuted
7 for the offense/offenses charged;

8 J. In the event the Court finds cause to revoke this deferred prosecution, the
9 stipulated police reports shall be admitted into evidence, and Petitioner shall have her guilt or
10 innocence determined by the Court;

11 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed,
12 and all subsequent reports or documents relating to her treatment information shall be sealed,
13 to maintain confidentiality of Petitioner's treatment information;

14 L. That the Department of Licensing be notified of this Order accepting the
15 Petitioner for deferred prosecution;

16 ///

17 ///

18 ///

1 M. Upon proof of Petitioner's successful completion of five years deferral period
2 in this Order, the Court shall dismiss the charges pending against Petitioner.

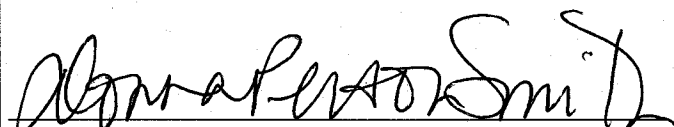
3 N. Additional conditions:
4
5
6

7 DONE IN OPEN COURT this 24th day of June, 2019.
8
9

10 

11 DAVID W. CHRISTEL
12 United States Magistrate Judge

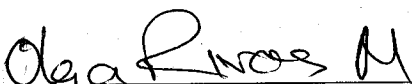
13 Presented by:

14 

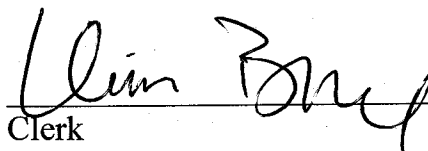
15 DONNA PERSON-SMITH
16 Attorney for Petitioner
17

18 I have received a copy of the foregoing Order of Deferred Prosecution. I have read
19 and understand its contents, and agree to abide by the terms and conditions set forth herein.

20
21 Dated: 6/24/2019

22 
23 OLGA RIVAS-MEDINA
24 Petitioner
25

26 I certify that a copy of this signed Order was mailed to the subject treatment facility,
27 on June 24, 2019. The United States Probation Office was also furnished
28 a copy of this Order.


Clerk